

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 06038 01 OF 03 202019Z
ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 AF-10 ARA-10 EA-10 EUR-12 OIC-02 /190 W
-----110184 202032Z /43

P 201851Z APR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 8689
LOS COLLECTIVE
AMEMBASSY KATHMANDU
AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 03 GENEVA 06038

E.O. 11652:GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE - HIGHLIGHTS OF APRIL 19

BEGIN SUMMARY. NEGOTIATING GROUPS FROM ALL THE COMMITTEES
MET FOR A FULL DAY OF DISCUSSION ON THE OUTSTANDING ISSUES.
THE SECRETARIAT REPORT AND MAP SHOWING CONTINENTAL SHELF
FORMULAS WERE DISTRIBUTED. THE NEGOTIATING GROUPS ON
FINANCIAL ARRANGEMENTS (NG-2) AND ON DELIMITATION (NG-7)
HELD THEIR FIRST MEETINGS. THE USDEL CONTINUED A BROAD
RANGE OF CONTACTS ON THE POLLUTION PROBLEM. END SUMMARY.

1. THE NJENGA WORKING GROUP (NG-1) MET ON APRIL 19 AND
CONTINUED ITS DISCUSSION ON ARTICLE 151 AND THE TRANSFER
OF TECHNOLOGY. GABON DENOUNCED THE DEVELOPED COUNTRIES
FOR "WITHHOLDING" INFORMATION ON NODULE EXPLORATION FROM
THE GROUP OF 77 (G-77). THE U.S. RESPONDED WITH AN OFFER
TO COOPERATE IN A SEMINAR WHICH WOULD PROVIDE MORE INFOR-
MATION ABOUT THE LOCATION AND EXTENT OF NODULE DEPOSITS.
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06038 01 OF 03 202019Z

NJENGA PLANNED TO CONSULT THE SECRETARIAT ABOUT IMPLEMENT-
ING THIS IDEA.

2. COMPLETING THE LIST OF SPEAKERS ON ARTICLE 151, NJENGA
PROPOSED DISCUSSION ON ARTICLES 152 AND 153, WHILE CANADA
PROPOSED PARAGRAPHS 4,5, AND 11 OF ANNEX II. BOTH
SUGGESTIONS RECEIVED SUPPORT AND SO THE TOPIC WAS LEFT OPEN

TO BE DECIDED AT TRP APRIL 20 MEETING.

3. RESPONDING TO A SUGGESTION FROM MADAGASCAR, NJENGA SUGGESTED, AND THE GROUP ACCEPTED, THAT HE WOULD PRESENT WRITTEN PROPOSALS ON 151 TO THE WORKING GROUP AFTER CONSULTING WITH REPRESENTATIVES OF THE G-77 AND OF THE INDUSTRIALIZED COUNTRIES. (THIS WAS AN OBVIOUS REFERENCE TO THE HERETOFORE SECRET WORKING GROUP.)

4. THE KOH GROUP ON FINANCIAL ARRANGEMENTS (NG-2) HELD ITS FIRST MEETING THE AFTERNOON OF APRIL 19. AMBASSADOR KOH GAVE AN OVERVIEW OF THE ICNT FINANCIAL ARRANGEMENTS AND IT WAS AGREED TO TAKE UP, IN THE FOLLOWING ORDER: 1) FINANCING THE ENTERPRISE; 2) FINANCING THE AUTHORITY AND; 3) CONTRACTUAL ARRANGEMENTS BETWEEN CONTRACTORS AND THE AUTHORITY.

5. MOST OF THE DISCUSSION WAS PROCEDURAL, BUT INDIA ASKED TWO IMPORTANT QUESTIONS: HOW COULD THE G-77 BETTER ACQUAINT THEMSELVES WITH THE FACTS UNDERLYING FINANCIAL ARRANGEMENTS AND HOW WAS IT INTENDED TO PROVIDE THE ENTERPRISE WITH THE NECESSARY RESOURCES TO GO INTO BUSINESS. THE U.S. (KATZ) STATED THAT 200 COPIES OF THE MIT ECONOMETRIC STUDY OF SEABED MINING HAD BEEN SENT TO THE SECRETARIAT AND HE HOPED THAT SUCH A STUDY WOULD HELP DELEGATES TO UNDERSTAND THE FACTS (AS THEY ARE NOW KNOWN) UNDERLYING POSSIBLE FINANCIAL ARRANGEMENTS. THE U.S. ALSO REFERRED TO AMBASSADOR
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06038 01 OF 03 202019Z

RICHARDSON'S STATEMENTS REAFFIRMING THE U.S. POSITION OF FULL SUPPORT TO MAKE BOTH SIDES OF THE PARALLEL SYSTEM WORKABLE.

6. NEGOTIATING GROUP 4 MET TO CONSIDER THE QUESTION OF THE BALANCE BETWEEN THE RIGHT OF THE COASTAL STATE TO DETERMINE ITS HARVESTING CAPACITY OF THE LIVING RESOURCES IN THE EEZ AND THE RIGHT OF THE LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES (LL/GDS) TO PARTICIPATE IN THE EXPLOITATION OF THOSE RESOURCES. THE DEBATE WAS A RESTATEMENT OF OPPOSING POSITIONS AND NO PROGRESS WAS MADE. COASTAL STATES CONTINUED TO MAINTAIN THAT LL/GDS ACCESS MUST, BY VIRTUE OF NATIONAL INTERESTS, BE LIMITED TO THE SURPLUS. THIS WAS UNACCEPTABLE TO THE LL/GDS WHO ARE INSISTING ON A RIGHT OF ACCESS TO THE LIVING RESOURCES BY LL STATES WHETHER A SURPLUS (AS DETERMINED BY THE COASTAL STATE) EXISTED OR NOT.

7. COMMITTEE II MET AS A COMMITTEE-OF-THE-WHOLE TO RECEIVE THE REPORT OF THE SECRETARIAT ON THE DEFINITION OF THE OUTER LIMITS OF THE CONTINENTAL SHELF (COPY BEING POUCHED TO THE DEPARTMENT). THE SPECIAL REPRESENTATIVE OF THE SECRETARY

GENERAL NOTED THAT THE REPORT WAS STILL INCOMPLETE SINCE IT DID NOT YET INCORPORATE THE CALCULATIONS OF AREAS DERIVED FROM THE APPLICATION OF RESPECTIVE DEFINITIONAL FORMULAS. IT WAS FURTHER NOTED THAT THE CARTOGRAPHICAL REPORT CONTAINED CONSIDERABLE DISTORTIONS SINCE IT WAS BASED ON MERCATOR PROJECTIONS. AFTER A SHORT DEBATE ON THE PROGRAM OF WORK FOR THE DEFINITION-OF-SHELF ISSUE, IT WAS DECIDED THAT THE MATTER WOULD BE TAKEN UP IN AN OPEN-ENDED, NON-NUCLEUS NEGOTIATING GROUP WHICH WOULD, AT LEAST INITIALLY, BE CHAIRED BY AGUILAR.

8. ON THE QUESTION OF THE DETERMINATION OF OTHER ISSUES INSUFFICIENTLY DEBATED IN COMMITTEE, AGUILAR SUGGESTED THREE POSSIBLE ALTERNATIVES FOR THE DETERMINATION OF THESE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06038 01 OF 03 202019Z

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 GENEVA 06038 02 OF 03 202028Z
ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 AF-10 ARA-10 EA-10 EUR-12 OIC-02 /190 W
-----110319 202032Z /43

P 201851Z APR 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 8690
LOS COLLECTIVE
AMEMBASSY KATHMANDU
AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 02 OF 03 GENEVA 06038

"OTHER ISSUES." ONE OF THESE, (MINI-CONSULTATIVE GROUPS COMPOSED OF MOST INTERESTED STATES), COULD HAVE RESULTED IN A PROLIFERATION OF NEGOTIATING GROUPS. THE U.S. (CLINGAN) WAS INSTRUMENTAL IN HEADING OFF THIS MOVE BY NOTING THERE

IS AN INHERENT TENDENCY OF SMALL, OPEN-ENDED GROUPS TO MUSH-ROOM INTO MUCH LARGER BODIES. THIS OPERATIONAL AND PRACTICAL WEAKNESS COULD HAVE A DISRUPTIVE IMPACT ON THE NEGOTIATING GROUPS CONCERNED WITH "HARD-CORE ISSUES". AGUILAR ACCEPTED THIS ARGUMENT AND SEIZED UPON A PROPOSAL BY PAPUA NEW GUINEA TO HAVE EACH DELEGATION SUBMIT A LIST OF THE NON-HARD CORE ISSUES WHICH SHOULD RECEIVE GREATEST PRIORITY. THE IMMEDIATE DETERMINATION OF "OTHER ISSUES", BEING URGED BY A SMALL GROUP OF SELF-INTERESTED STATES, WAS THEREFORE MOMENTARILY DEFERRED.

9. NG-7 (ON DELIMITATION) HELD ITS FIRST MEETING ON APRIL 19 TO DISCUSS ITS ORGANIZATION AND PROGRAM OF WORK. NINETY-EIGHT DELEGATIONS ATTENDED AND INDICATED THEY PLAN TO PARTICIPATE IN THE GROUP. CHAIRMAN MANNER OF FINLAND ANNOUNCED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 GENEVA 06038 02 OF 03 202028Z

THAT FOUR MORE NG-7 MEETINGS ARE SCHEDULED, ONE EACH WORKING DAY THROUGH TUESDAY, APRIL 25. HE PROPOSED THAT THERE BE NO GENERAL DEBATE; THAT THE GROUP CONSIDER THE FOUR RELEVANT INCT ARTICLES: 15, 74, 83 AND 297(1)(A). WHILE MOST AGREED TO FOREGO GENERAL DEBATE, CHILE SUGGESTED THAT THE FIRST ORDER OF BUSINESS SHOULD BE A "GLOBAL DEBATE" ON THE RELATION BETWEEN THE CONTENTIOUS SUBSTANTIVE ARTICLES ON DELIMITATION, 74 AND 83, AND ARTICLE 297(1)(A) ON DISPUTE SETTLEMENT. A DISCUSSION OF PARTICULAR ARTICLES AND POINTS COULD THEN FOLLOW. CHILE WAS SUPPORTED BY CANADA, COLOMBIA, ECUADOR, GREECE, ISRAEL, MALTA, SPAIN. ON THE OTHER SIDE, IRELAND, FOLLOWED BY IRAQ, LIBYA AND TURKEY, ADVOCATED GOING DIRECTLY TO A DISCUSSION OF THE IMPORTANT DELIMITATION AND DISPUTE SETTLEMENT. NO DELEGATION SUPPORTED THE CHAIRMAN'S SUGGESTION THAT THE GROUP BEGIN WITH CONSIDERATION OF ARTICLE 15 CONCERNING DELIMITATION IN THE TERRITORIAL SEA. TWO DELEGATIONS, CANADA AND SPAIN, EXPLICITLY OPPOSED DISCUSSION OF WHAT THEY REGARD AS A SETTLED ARTICLE.

10. IN CLOSING THE CHAIRMAN RULED THAT THE NEXT MEETING WOULD DISCUSS THE RELATION AMONG THE THREE DELIMITATION ARTICLES AND BETWEEN THEM AND DISPUTE SETTLEMENT. NOTWITHSTANDING LACK OF SUPPORT, HE ADDED THE GROUP WOULD BEGIN ARTICLE-BY-ARTICLE DISCUSSION WITH ARTICLE 15.

COMMITTEE THREE - POLLUTION MEETINGS

11. LOSDEL POLLUTIONMARINE SCIENTIFIC RESEARCH TEAM MET WITH SEVERAL DELEGATIONS TO DEVELOP SUPPORT FOR U.S.-PROPOSED AMENDMENTS. NEW ZEALAND EXPRESSED ITS AGREEMENT AND CAN BE COUNTED TO PLAY A SUPPORTING ROLE. AT ANOTHER MEETING (WITH REPS FROM TRINIDAD AND TOBAGO, MEXICO, NORWAY, BRAZIL, CANADA, NEW ZEALAND, FRANCE AND

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 GENEVA 06038 02 OF 03 202028Z

U.K.) THE U.S. OUTLINED ITS PROBLEMS WITH THE ICNT. DISCUSSION THEN CENTERED ON ARTICLE 222 (MEASURES FOLLOWING A MARITIME CASUALTY). THE U.S. SUGGESTED THE ADDITION OF THE DEFINITION OF A MARITIME CASUALTY FROM THE 1969 INTERVENTION CONVENTION IN ORDER TO MAKE CLEAR THAT A STATE COULD ACT IN AN AMOCO CADIZ SITUATION. FRENCH PROPOSED TO ALLOW COASTAL STATE ACTION WITHOUT SHOWING THAT THE SHIP IS FACED WITH A "GRAVE AND IMMINENT" DANGER. THE U.S. PROPOSAL RECEIVED SOME SUPPORT, ALTHOUGH THE DEFINITION OF THE INTERVENTION CONVENTION WAS CONSIDERED BY MOST TO BE INCORPORATED BY REFERENCE. THE FRENCH PROPOSAL RECEIVED NO SUPPORT AND WAS OPPOSED BY SOME.

12. THE G-5 EXPERTS ALSO MET TO WORK OUT AGREED LANGUAGE ON PROPOSED POLLUTION CHANGES. THE FRENCH INTRODUCE AN "INFORMAL UNOFFICIAL" PROPOSAL REGARDING ARTICLE 212 (2) BIS REGIONAL ARRANGEMENTS, WHICH DREW USSR, U.K. AND JAPANESE REACTIONS THAT THE CONCEPT HAMPERED INNOCENT PASSAGE.

THE U.S. PROPOSALS FOR ARTICLE 97 AND 213 WERE VIEWED AS TECHNICAL CORRECTIONS.

ARTICLE 212 (1) PROPOSAL REGARDING ROUTING SYSTEM WAS REVISED TO READ AS FOLLOWS: "AND PROMOTE THE ADOPTION OF APPROPRIATE ROUTINE SYSTEMS, DESIGNED TO MINIMIZE THE THREAT OF ACCIDENTS CAUSING POLLUTION OF THE MARINE ENVIRONMENT, INCLUDING THE COASTLINE AND RELATED INTERESTS OF COASTAL STATES".

THE JAPANESE SUGGESTED THAT THE U.S. PROPOSAL FOR ARTICLE 212 (3), (TO CLARIFY COASTAL STATE STANDARD SETTING AUTHORITY IN THE TERRITORIAL SEA), BE EXPRESSLY SUBJECT TO ARTICLE 21 (2).

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 GENEVA 06038 02 OF 03 202028Z

A REDRAFT OF THE PROPOSED ARTICLE 212 NOTICE REQUIREMENT

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 GENEVA 06038 03 OF 03 202028Z

ACTION DLOS-09

INFO OCT-01 NEA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00

DOE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00

H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15

ICA-11 AF-10 ARA-10 EA-10 EUR-12 OIC-02 /190 W

-----110348 202031Z /43

P 201851Z APR 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 8691

LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 03 OF 03 GENEVA 06038

WAS PRODUCED AS FOLLOWS, WITH THE JAPANESE RESERVING
ON THE SELF INCRIMINATION PROVISIO:

"THE INTERNATIONAL RULES AND STANDARDS REFERRED TO
IN THIS ARTICLE INCLUDE THOSE RELATED TO NOTICE OF
INCIDENTS INVOLVING DISCHARGE OR PROBABLE DISCHARGE,
PROVIDED THE NOTICE SUPPLIED BY A MASTER PURSUANT TO
SUCH A REQUIREMENT MAY NOT BE USED AGAINST HIM IN THE
DETERMINATION OF ANY CRIMINAL CHARGE MADE AGAINST HIM
BY, OR AT THE REQUEST OF, THE COASTAL STATE".
SUBSTANTIAL EFFORT WAS DEVOTED TO THE CLARIFICATION
SOUGHT IN ARTICLE 221 (6) WITH THE U.K., USSR AND
JAPANESE STRONGLY OPPOSED TO DELETION OF THE WORD
"MAJOR" IN THE PHRASE "CAUSING MAJOR DAMAGE OR THREAT
OF MAJOR DAMAGE". NEGOTIATIONS ON THE REMAINING U.S.
PROPOSALS AS WELL AS FRENCH PROPOSALS FOR ARTICLE 222
AND 229 ARE EXPECTED TO BE CONTENTIOUS, PARTICULARLY
WITH RESPECT TO ARTICLE 229. RICHARDSON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONTINENTAL SHELF, ENVIRONMENT, COMMITTEES, FINANCIAL AGREEMENTS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 apr 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA06038
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780169-0914
Format: TEL
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780436/aaaabefb.tel
Line Count: 320
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e86d79aa-c288-dd11-92da-001cc4696bcc
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2906362
Secure: OPEN
Status: NATIVE
Subject: LOS CONFERENCE - HIGHLIGHTS OF APRIL 19 BEGIN SUMMARY. NEGOTIATING GROUPS FROM ALL THE COMMITTEES MET FOR A FULL DAY OF DISCUSSION ON THE OUTSTANDIN
TAGS: PLOS
To: STATE LOS ANGELES
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/e86d79aa-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014